

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ALLAN ROMERO)	Case Number
)	
Plaintiff,)	
)	
vs.)	CIVIL COMPLAINT
)	
ACADEMY COLLECTION SERVICES, INC.)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Allen Romero, by and through their undersigned counsel, Warren & Vullings, LLP, complaining of Defendant, and respectfully aver as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff is an individual consumer and brings this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”) which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15. U.S.C. § 1692k(d) and 28 U.S.C. §1337.

3. Venue in this District is proper in that the Defendant’s principal place of business is here and the Defendant transacts business here.

III. PARTIES

4. Plaintiff, Allan Romero (“Plaintiff”), is an adult individual and citizen of the State of California, residing at 2139 E. 4th Street #201, Ontario, CA 91764.

5. Defendant, Academy Collection Services, Inc. (“Academy” or “Defendant”) had, at all times relevant to this complaint, its principal place of business located at 10965 Decatur Road, Philadelphia, PA 19154.

6. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another, in this instance the alleged account was with Capital One. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

7. Beginning in July 2008, Plaintiff started receiving a series of harassing calls from defendant and/or Defendant’s agents. The harassing calls are relative to a consumer debt allegedly incurred by Allan Romero with Premier Bank.

8. Plaintiff received numerous calls to his residence from agents of the Defendant. One of the agents was identified only as “Irwin” and the other was a female who left a message for the Plaintiff.

9. The phone number the agents called from were 888-219-4241. The phone number the agents called to was Plaintiff’s home (909-944-9174).

10. The Plaintiff requested that the Defendant send to him in writing proof of the debt and proof that the Defendant had the authority to collect on the account but the

Defendant refused and never sent any documentation. In fact, the Plaintiff was told that "the bank had sent plenty of letters" and they would not.

11. The Defendant, by and thru its agents, threatened to contact the Plaintiff's fiancé and tell her about the debt.

12. The Defendant, by and thru its agents, threatened to garnish the Plaintiff's wages.

13. The Defendant, by and thru its agents, demanded the Plaintiff's social security number and credit card number.

14. Despite numerous requests by the Plaintiff to stop calling, the Defendant, by and thru its agents, continued to harass and insult the Plaintiff and call him irresponsible.

15. Neither the Defendant nor any agent of the Defendant ever gave the Plaintiff a mini-Miranda warning during their telephone conversations.

16. The harassing, intimidating, deceptive and bullying behavior of the Defendant are violations of the FDCPA.

COUNT I

FDCPA VIOLATION 15 U.S.C. § 1692 et seq.

17. The above paragraphs are hereby incorporated herein by reference.

18. The foregoing acts and omissions constitute violations of the FDCPA, including, but not limited to, violations of §§ 1692 d, d(5), d(6), e, e(2), e(3), e(4), e(5), e(10), e(11), f, and g.

19. As a result of the foregoing violations of the FDCPA, Defendant is liable

to Plaintiffs for a declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, attorney's fees and costs and other appropriate relief, pursuant to 73 P.S. § 201-9.2.

WHEREFORE, Plaintiffs respectfully request that this court enter judgment in their favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant's conduct violated the FDCPA;
- b. Actual damages;
- c. Statutory damages pursuant to 15 U.S.C. §1692k;
- d. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;

and

- e. Such addition and further relief as may be appropriate or that the interests of justice require.

V. JURY DEMAND

Plaintiff hereby demands a jury trial as to all issues herein.

Respectfully submitted,

WARREN & VULLINGS, LLP

Date: 09/12/08

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